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SPEECH

OF

HON. T. F. BOWIE, OF MARYLAND,

ON THE

ORGANIZATION OF THE HOUSE.

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, JANUARY 9, 1856.

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SPEECH

Mr. BOWIE said: I move, Mr. Clerk, to rescind the ten-minute rule.

I do not rise, sir, to make a speech simply for the purpose of making a speech, but I want to call the attention of this House and the country to the condition in which we now are. I am quite sure, if I could hold up a picture of it to the people of the country, they would revolt at the spectacle. It is a spectacle, sir, at which every good man ought to revolt. Sir, we are playing a comedy when we ought to be playing a tragedy. I have heard it said that the House of Representatives was like a bear garden. It may have been so, sir, in times past, when men were pitted against each other to fight; but I rather think it is now more like a garden of *fores*. Cunning and artful men (and I fear, sir, some traitorous men, too) have been sent here to represent the people of the United States; men who pride themselves more upon their qualifications for intrigue than upon a patriotic devotion to the principles of the Constitution; men, sir, who understand, and for that reason are constantly raising, questions of order, to the great delay of the public business and the annoyance of the really orderly members of this House. Sir, every true patriot will at once respond to the great impulses of the public heart.

Mr. Clerk, I am neither a lion nor a fox; but if I were to choose between the two, I should not, like Cardinal Richelieu, "do off the lion's, and take the fox's skin." Sir, the lion is indeed a noble, because a courageous animal, and in the day of battle will be found strong for the fight; but the cunning of the fox will subvert the judgment, and blunt every patriotic impulse of the heart. Sir, we did not come here to beartful and cunning, or to exhibit simply our skill in parliamentary tactics, but to be true to the country, to the Constitution, and ourselves. I am anxious to effect an organization of this House, if it be possible; if not possible, then I think the sooner we adjourn *sine die* the better. We are indeed in the midst of a revolution, not to be sure, a bloody revolution, but how soon it may become one God only knows. Sir, I shall be the last man to draw the sword; but I want the people of the country to understand, what we do not seem to understand ourselves—that we are, in fact, in the midst of a revolution. I do not say rebellion, because I do not believe that any portion of the people of this country will rebel against the Constitution and the laws, when rightly interpreted and enforced. [“Good!”] But still, I say, we are in the midst of a revolution. Does not every man on this floor feel it to be so? Do we not all know it to be so?

You say, sir, it is harmless, because bloodless; but let us not deceive ourselves in that respect.

We present, at this time, a spectacle to the world which demoralizes the nation, and proves us to be incapable of organizing the Government. Sir, the wheels of Government will be stopped unless we can organize the legislative department of the Government. No man can doubt that. In my judgment, the legislative is the most important department of the Government. It is the law-making power; the power which more immediately and directly affects the people of the country.

In the name of that people, then, I have a right to ask, is there no way of stopping this miserable farce? Is there no spirit upon this floor who can devise some mode of conciliation by which we can end this struggle? I invoke, sir, that spirit to rise up in our midst. If I cannot idolize, I will at least follow his lead, for he will have beckoned me on to the preservation of the Constitution of my country. Sir, in my humble judgment, we must change our course altogether; we shall never succeed in organizing this House in the way we are now pursuing. We must give up party and party tactics, and resort to the instincts of patriotism. As long as men or parties are placed in antagonistical positions by the machinery of party organizations, we can never expect them to surrender either their principles or their standard-bearers. This is an all-controlling emanation of the human heart, and you can no more change or modify its results than you can roll back the tide of the ocean.

[Here the hammer fell, but by unanimous consent.]

Mr. B. resumed. You may as well suppose that men will shrink in the day of battle, as to suppose that these standard-bearers of their respective parties will not be voted for, unless withdrawn from the canvases by the withdrawal of their respective parties. Sir, he who thinks to the contrary, understands, in my judgment, but little of the pride and obstinacy of human opinions, and would not be a safe foeman for in times of struggle between the conflicting elements of human passions.

Sir, let us have some plan of organization on which, as a common platform, a majority of this House can stand. My friend from South Carolina [Mr. Beyer] gave utterance the other day to a glorious sentiment in regard to the obligations of party. Party is all right. Party will save a country sometimes, but sometimes it will destroy it. Party will sometimes degenerate into faction. It may even sometime go so low down as to degenerate into a state of hostility to the interests

of the country, growing out of the basest passions of the human heart, arrayed against all that is good and noble and glorious in the history of the country. Certy, sir, may even do that.

But is there no patriotic heart here? Do we not love our country? And are we prepared to say to the people of the country that we will not now regret the glorious Union of these States? Will you say that the legislative branch of your Government shall be struck down by the spirit of party? For one, I tremble when I contemplate the danger to which we are fast hastening the people by the mere impulses of party. For one, sir, so help me God, I would place my head, and my heart, too, as a sacrifice on the altar of my country before these States shall be dismembered, unless it be by a usurpation of power on the part of the Federal Government to strike down the sovereignty of the States.

Sir, I have heard before to-day that we were in a state of revolution on this floor. And the hour may come when we may have to meet its consequences here. I shall not flinch in that hour, but come when it may, I shall take my part, and act my part, in the drama of the day. I pray to God that he may avert so awful a catastrophe! I pray to God to unite our hearts in the bonds of fraternal love; and if that prayer be granted I can safely proclaim to the world that the Constitution of my country is preserved. Our brethren in the North say that they do not mean to interfere with slavery in the States. This is all very well. The Constitution vests in Congress no such power, and no such power has ever been claimed for any quarter whatever. This, then, is no concession to the South. We ask for no concession; we only ask that you will not claim the power to regulate or control slavery in the Territories of this Union. No such power is given in the Constitution to Congress. The power "to declare off, and make all needful rules and regulations respecting the territory or other property belonging to the United States" (article fourth, section third, of the Constitution) is invoked in vain for any such purpose. The power to "dispose of" means simply the right of alienation. The power to "make all needful rules and regulations" means *the arbitrary or other property belonging to the United States* means simply the right to make all needful rules and regulations for the Territories as property of the Union, which requires *protection*, and not *destruction*, by the very terms of the Declaration of Independence. Government, sir, may and ought to protect property, but never to destroy it, without the most imperative necessity for its own defense, and then *only* on compensation to the owner. If it does resort to its sovereign power in this respect, it ceases only to be a tyranny, when it flows on as a mad necessity for the exercise of its power, in behalf of the body politic. It is, sir, Government, sir, may confiscate private property in the way of taxation, but then it is done only in its own support, and for its own uses. That Government is an execrable despotism which seizes on a refuge from the people, and then gives it for their own uses.

But, sir, may I do you not know that the Constitution of the United States has given you no power over the question of slavery, except to protect it, to guard it, and to save it? I have heard here, on this floor, and the idea seems to

have gone abroad among our northern friends is now, that Freedom is national and Slavery sectional. Who says this? Is it to be found in your Declaration of Independence, or in your Constitution? You, sir, may say yes; but I tell you that, at the very same hour when Thomas Jefferson wrote the Declaration of Independence, every State in this Union, except Massachusetts, had African slavery within its limits as a distinctive form of human labor; therefore he could not have meant that the institution of African slavery was incompatible with the liberty of the citizen. It is utterly impossible he could have meant that "life, liberty, and the pursuit of happiness" were among "the inalienable rights" to which negro slavery was entitled. The States of this Union, sir, had among them, at that very time, African slavery as a fixed political and domestic institution. And to suppose that Mr. Jefferson, when he penned that immortal paper, meant to strike down domestic African slavery, is to contradict facts contemporaneous with the Constitution itself. He never could have intended that instrument to apply to any other than *citizens of the country*. Now, I agree that all men, *who are citizens of a country*, are entitled to equal rights and equal privileges. But they must be *citizens first*. Sir, I say that Government has a right to impose terms of citizenship; but I say, when citizenship has been once conferred, it is wrong to draw distinctions between different classes of citizens. Abolitionists and Free-Soilers may say that the Declaration of Independence means exactly what its language imports, and that all men are born free and equal, and are endowed with inalienable rights, among others those of "life, liberty, and the pursuit of happiness," and that this embraces the negroes as well as the white race. Sir, I appeal to the fact; I appeal to the contemporary history of the country; I appeal to the opinions of the framers of the Constitution themselves, to show that no such idea was entertained by them. No, sir, he and they meant, and meant only, to declare that, where men are organized into a State government, each citizen is entitled to the same political rights and privileges. This is the doctrine of all republican governments; and the Declaration of Independence means to maintain no other. It is wholly untrue, even as an abstraction, that all men, in a state of nature, are born free and equal. Infamy itself, sir, is in truth a state of slavery, since both the physical and mental power to act *independently*, is wholly wanting in that condition of human life. No two men can be found, anywhere, who are exactly equal in all respects; and indeed the same may be said of everything existing in the whole universe of God. Change, dissimilarity, and inequality, are stamped by the hand of Providence upon every object in nature; and I tell those gentlemen who profess to be so horrified at the institution of human slavery, that they appeal in vain to the lessons or teachings of nature, or to any fact in the past history of the world, to justify their conclusions. The history of the world, from its beginning to the present hour, is but a history of human slavery in some one or other of its forms; and to no truer record can we resort for the evidence of this truth, than to the Old as well as the New Testament of our religious faith.

and African slavery. I believe, sir, is black slavery. [Laughter.] They claim to be the peculiar guardians of the *colored race* in the United States; and, by way of identifying their peculiar principles, and giving distinctive point to them, they are called Black Republicans; and I think the name quite significant enough of their principles. I am quite sure my friend here, who now sits on my right, [Mr. DE WITT,] will not be offended if I call him a Black Republican in the sense just explained. I know my friend rejoices and glories in belonging to that "great Republican army," now so gallantly commanded by Major-General SEWARD, whose flag bears aloft that noble and magnanimous motto, "Freedom to all Niggers." [Great laughter.] A similar great republican army once invaded Ireland for a like purpose, but, finding no "niggers" there, they put to death every Roman Catholic they could find. [Laughter.] I hope my Roman Catholic constituents will not share the same fate, when my friend's army shall visit my part of the country.

And now, sir, I wish to say a word or two on the general power of Congress over the subject of slavery.

I know I have not time just now to discuss this question thoroughly; neither the temper of the House nor the occasion will permit me; but, sir, I ask gentlemen, what they mean when they speak of the power of Congress over slavery? Do they refer to the power expressly conferred by the Constitution to Congress of abolishing the foreign slave trade, after the year 1808; or of passing laws to require of the several States a restoration of fugitives from servitude; or of so apportioning the representation of the States, as to secure to the slave States a representation for three fifths of their slaves, as persons? or do they mean to refer to some supposed power to *abolish* slavery, either in the States or Territories? or to change, alter, or modify its condition or relations in any part of the domains of this great confederation of States? The first class of powers, it will be perceived, sir, are clearly and unequivocally *delegated powers*. The second class, if they exist at all, exist only by *implication*. They certainly do not exist *by express grant*; and, according to every approved mode of interpretation, they cannot exist by implication, unless their existence is absolutely necessary to carry into effect and operation some expressly granted power, which, but for the implication, would be dead and inoperative. With regard to the first class of powers, no one has ever doubted. They are expressed, and not implied. They are a part and parcel of the compromises and emperors of the Constitution. *The bond is so written, and it must be so read.* So far, then, as these powers and obligations are concerned, slavery is a national and not a Sectional subject—a subject over which Congress, and Congress alone, has jurisdiction. Congress alone, could have abolished the foreign slave trade; Congress alone, can pass laws relative to the recapture of fugitives from labor; and Congress alone, can apportion the representation among the States, so as to secure the slave representation of three fifths, to the slave States. With what truth, then, can it be said that slavery is sectional and freedom is national? They are, in truth, both national and both sec-

tional in some respects: slavery is national so far as it is recognized, protected, and guarded by the Constitution, and only sectional so far as that Congress has no power to *ordain*, or to *establish* it, and so far only, as that it does *not* exist in all the States alike. But the same may be said of freedom, for it is *excluded* in those places, and among that class of our population who are *slaves*, by the permission of the Constitution itself.

Sir, the phrase which is so fashionable in the mouths of the Abolitionists, Free-Soilers, and Black Republicans, on this floor, that "slavery is sectional, and freedom is national," is so trite and threadbare that it has lost its charms. It is but a clap-net saying, intended only as the watch-word of a party, and will soon pass away among the forgotten and exploded follies of the past.

With regard to that class of powers in Congress over the subject of slavery which are implied powers, and which are only invoked for the purposes of its destruction, I have hardly time to say much. On some future and more appropriate occasion I propose to give my views to this House and to the country more at large than I can do now; but to those gentlemen who claim the power in Congress to abolish slavery in the District of Columbia, founded upon the grant of *exclusive jurisdiction* over the ten miles square, ceded by the States of Maryland and Virginia as the seat of the national Government, I can only say, that *exclusive jurisdiction* by no means implies or carries with it *absolute and unlimited powers*. A Government may have exclusive jurisdiction to legislate for the protection of its citizens and the maintenance of their rights of person and property, and yet be totally without power to confiscate their property, or to abolish the tenures of their estates. *Exclusive jurisdiction*, sir, does not mean irresponsible or arbitrary power. The abolition of slavery in the District of Columbia must be a necessary incident to the exercise of the exclusive jurisdiction, and without which the power of exclusive jurisdiction, would be inoperative and useless, or else it does not pass with the grant of exclusive jurisdiction. Sir, I hold this to be clear, and beyond the power of refutation. The same argument applies, as I have already remarked, to that provision of the Constitution which gives to Congress the power "to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." The abolition or restriction of slavery in "such territory or other property" must be shown to be a *needful rule or regulation* for the government and control of such territory, as *property of the United States*, or else the power to abolish or restrict slavery there does not, and cannot, exist by reason of any *such grant of power*.

And, sir, it must be observed, that even this grant of power "to make all needful rules and regulations," &c., is expressly coupled with a condition that it shall not be "so construed as to *prejudice* any claims of the United States or of any particular State." It is difficult to comprehend to what these claims of the United States, or of any particular State, relate, unless it be to the territory or other property belonging to the United States as *property*, and that, too, as *the common property of the United States, and each of the States*. It must be so—and I scarcely think it can admit of

a doubt—it follows clearly, that the rules and regulations which Congress are empowered to make respecting the territory or other property belonging to the United States, relate *exclusively themselves*, to such rules and regulations *only* as may be needful for Congress to make in reference to the *disposition, preservation, and management* of such territory as the *common property* of all the States; and not to a class of powers *entirely political* in their nature, which have for their end only the establishment of forms of government for the protection and enjoyment of civil and religious freedom. This latter class of powers, sir, it seems to me, will more appropriately be found among those which were reserved by the people, and which the framers of the Constitution never intended should be surrendered to the Federal Government by any portion of the people of this country, whether living in the States or after-acquired territories. The great struggle between the British Crown, under the administration of Lord North, and the United Colonies, as to the right of the colonies to govern themselves in all cases whatever, had been finally closed by the establishment of that great fundamental political truth, that man is capable of self-government; and had the framers of our Constitution inserted in that instrument any provisions inconsistent with that great truth, to be afterward applied or enforced against the people of any of the States or after-acquired Territories of the Union, they would, in my judgment, sir, have falsified every principle which induced the colonies to take up arms in defense of their own rights to separate and independent sovereignty. But, sir, I have not time to pursue these reflections further, in the present condition of this House. I will take an opportunity of doing so at some other time.

A MEMBER. My friend from Maryland has indicated a willingness to answer any question that may be put to him. I ask him, how it is that he, who fought under the Whig banner, is now acting in the Democratic ranks?

MR. BOWIE. I feel no difficulty about that—none whatever. I am found here, sir, acting with the Democratic party because the Democratic party, in my congressional district, acted with the conservative portion of the Whigs in maintaining the great constitutional rights of civil and religious freedom. I was not sent here, sir, as a nominee of the Whig party. Unfortunately for that great and glorious party, as it existed in the pure days of its conservative nationality, there was but one country in my district where its flag had not been struck down by a secret foe, *firing from behind a masked battery*. [Laughter.] Yes, sir, a secret political club, calling themselves Know Nothings, had, very recently after the defeat of General Scott, organized themselves in every part of my congressional district. In the onset, they refused to avow publicly their political principles; but, in the course of time, when they proclaimed hostility to the political rights of Roman Catholics and to those of naturalized American citizens, every conservative Whig, and every conservative Democrat in the district proclaimed hostility to them; and under a banner having inscribed on its folds the glorious motto of "*Equal political rights to all American citizens*," we met them, and defeated them. Sir, in this motto I recognized

the great and cardinal principles of the old Whig party; and struck down, as they had been, by these secret political clubs, I had the proud satisfaction of seeing them once again restored and brought into active life by the patriotic efforts of the sound, conservative friends of civil and religious freedom in my district.

For these reasons, sir, I am found on this floor, acting, just as I did at home, in union with conservative Whigs and Democrats, against Native Americanism and Know Nothingism, and I may now add, sir, Black Republicanism.

But, sir, the Know Nothing party are anxious to be called the American party. So far as I am *convinced*, they may have any name they may choose to fancy. I have no desire to rob them of the laurel of a name. [Laughter.] They may have, if they please, the sweet-sounding names on earth; but I will tell them, sir, that, in my judgment, they have been rather unfortunate in selecting the name of American. The name of "American" is so common a name, and so general a term, that it really attaches to all American citizens, whether native-born or naturalized; ay, sir, and that too, whether they be male or female.

Now, sir, we are all Americans; and my Know Nothing friends, it seems to me, in adopting that name, have lost that definite and distinctive idea which ought to characterize all parties, and which (judging from the fact that no two of them have the same *knowledge* of their platform, or agree as to its construction) they *preeminently* possessed, in the name of *Know Nothing*. [Loud and protracted laughter.] And this, sir, seems to me to be more characteristic, too, of their precise views of the *constitutional rights* of American citizens, since, in their exposition of its principles, they seem to have entirely forgotten that *Roman Catholics and adopted citizens* had "some rights as well as others." [Continued laughter.]

But, sir, I am willing they may have the name of American. It will be of no service to them where their principles are known and explained. I think it will do them, on the contrary, infinite harm: for their principles are so prescriptive of the civil and religious rights of so large a portion of American citizens, that the people will be so easily struck with the difference between their *principles* and their *name*, that they will refuse to coöperate with them. They will find that "it is not the East to which they were invited;" and this great American party, losing the necessary alimony to support it, as well as the element in which to live, like a big fish out of water, will "flap and flounder for awhile," and then die of "premature exhaustion." [Great laughter.]

Sir, I was sent here from the largest Whig district in Maryland, with the exception perhaps of that of my friend and colleague, [MR. STEWART,] for the purpose of uniting with Whigs and Democrats in maintaining the great principles of the Constitution. I am now here to act with them, just as I did at home. My Whig friends at home, went into county conventions with Democrats, and acted harmoniously together there, and I mean to do the same thing here; and, sir, I shall be the last man to desert them. Though their mode of procedure may not correspond precisely with my own views, still, until they release me from my obligations in caucus in reference to the organization of this House, as an honorable man I will fight



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under their banner, if it be even unto death. But do confess, sir, I cannot approve of this storm arrangement, [laughter.] I do not approve of it because I believe that the Black Republicans will beat us all—Whigs, Democrats, and Know Nothings combined—two to one, at that game; and I do not see that any good can come from it.

I must say, in all candor, and in a spirit of just deference to the opinions of others, that, in my opinion, some change must be resorted to in the party tactics of the House before an organization can be accomplished. I tell gentlemen that the people of this country are looking upon our action here with fear and trembling. And well they may; for we are in fact in a state of revolution and there is no way to get out of it except by an organization of this House. I believe that there is a majority here in favor of the principles of non-intervention by Congress on the subject of domestic slavery in the Territories. That majority ought to be brought together in some mode of conciliation; for it must be admitted that no other question is half so vital to the preservation of the Union, or to the domestic tranquillity of the people. If this is found to be impracticable, then I should be willing, as a last resort, to adopt the plurality rule; and if the Black Republicans should succeed in electing their candidate for Speaker under its operation, and as that would be, and as much as I should deplore it, I think even that would be better for the country than that there should be, at this critical juncture of our foreign relations, disruption of the Government by no organization at all. The majority of this House—which, I believe, is of a conservative character—could still control the action of Congress, and keep it from inflicting, by unconstitutional legislation, irreparable injury to the country; and even if that majority should fail in this, we have still the Executive and the Senate to check the course of any legislation, the tendencies of which might be dangerous to the perpetuity of the Union.

Sir, the country has never been in so distracted a condition before, and I think the people of the country ought to know the real condition of parties on this floor. It is but too manifest that the great design of the Republican party of the North is to eat down the political power of the South, and by the aid of southern Know Nothingism they hope to distract the southern States on the question of the next presidency; while at the North they will present an undivided front in favor of what they call the national principle of freedom. Sir, in this respect they will have a great advantage over the southern States. We cannot get Mr. BANKS, their candidate for Speaker, to say here on this floor that he belongs to the American Order, but he does not hesitate to avow that he belongs to the so-called Republican party. The so-called Republicans of the North are united, while the southern men, who are fighting for the Constitution of their country and for their own firesides and institutions, are to be allowed to divide upon the question of Native Americanism and Roman Catholicism. Sir, let me appeal to that southern, as well as northern, band of patriots known as Americans—for I must believe they are patriots, though I think they are misguided—to stand with us, and to unite with us

the amendment of our naturalization laws; for that, I understand, is now the only real question upon which the true American party stands, as a national organization. And I am free to confess, that it is a question about which the best and wisest men have differed, and may still continue to differ, as a mere matter of governmental policy, without the patriotism of either being doubted, or in the smallest degree questioned. Sir, these are interesting questions to be sure, but they strike no chord in our hearts which vibrates with sounds of national disunion. They bring no tears to the eye of the patriot when brooding over the broken fragments of a ruined country; they send forth no strains of martial music inciting faithful hosts to civil strife or servile war. No, sir; no. There are no such bloody spectres as these "starting up in the way before us" when contemplating simply a change in the naturalization laws of the country; but let this Congress attempt to strike down the constitutional rights of the South, then you and I and all of us will strike, though bloody treason flourish over us. Come, then, ye patriotic Americans, and join your hands and your hearts with ours, and help us to save the Union and the States. By uniting with us, an organization of this House can be effected, and peace and tranquillity once more restored to an already too much distracted country.

And now, my countrymen of the North and the West, must I appeal to you in vain? Have you thus obstinately made up your minds to "pitch upon the hazard of the die" so great and glorious a Union as now binds together the stars and stripes of a flag which has never trailed in the hour of danger? Can you deliberately mar and blight so fair a portion of God's heritage as this our beloved country? Do you seriously contemplate a dismemberment of this Union? If so, in the name of Heaven, and by the justice of an offended God, I pronounce you traitors to your God and to your country. Oh! if you are really anxious to preserve this Union, and will only exhibit and develop those principles of the human heart by your actions and your conduct here, which ought to bind neighbor to neighbor, and all good men together, you will not disturb us in the enjoyment of our rights. We only ask you not to lay upon us the hand of oppression; not to drive us to the wall. We say to you, in a spirit of fraternal kindness, we love you as fellow citizens of a common glorious country, and will adhere to you in the enjoyment of all your rights. In the name of God, then, we beseech you not to wage a crusade against an institution which was born before the Constitution, nurtured by it, and now, in its advanced manhood, demands its protection. If you do, the friends of that institution, and, above all, the friends of that Constitution everywhere, will come up to its rescue; and if, on that day of struggle, the Constitution and the Union shall be crushed, the friends of civil and religious liberty throughout the world will curse you and your memories forever. This is all I desired to say.

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